

September 1, 2021

**By ECF**

Honorable Kevin N. Fox  
United States Magistrate Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re:** *The Trustees of Columbia University in the City of New York v. Encyclopaedia Iranica Foundation*, No. 19 Civ. 7465 (AT)(KNF);  
*Encyclopaedia Iranica Foundation, Inc. v. The Trustees of Columbia University in the City of New York, et al.*, No. 19 Civ. 8562 (AT)(KNF)

Dear Judge Fox:

In accordance with the Court's Civil Case Management Plan and Scheduling Order (Dkt. No. 155), Columbia, Dr. Daniel, Brill, and the Encyclopaedia Iranica Foundation ("EIF") have conferred and jointly submit this status report prior to the September 8, 2021 conference.

**Status of the Inventory**

As the Court will recall, in accordance with the initial Civil Case Management Plan and Scheduling Order (Dkt. No. 45 ¶ 14.b), Columbia and EIF jointly engaged a third-party vendor to create an inventory of materials located at 450 Riverside Drive as to which ownership was disputed. The inventory has proceeded in two phases. The first phase encompassed the basement offices of 450 Riverside Drive. The second phase, which was ordered over Columbia's objection, encompassed the upstairs offices at 450 Riverside Drive.

On March 5, 2020, the vendor delivered the Phase 1 inventory to Columbia and EIF. On April 4, 2021, the vendor delivered the Phase 2 inventory to Columbia and EIF. After receiving the inventory, Columbia returned those materials that Columbia agreed belonged to EIF. In an effort to resolve some of the disputed issues under the inventory, Columbia produced other materials to EIF as part of the discovery process. Columbia believes that it has complied with the inventory order because it has conducted an inventory of both the basement and upstairs offices at 450 Riverside Drive and has returned to EIF the property that Columbia agrees is owned by EIF. EIF believes that the vendor did not complete the inventory because it did not create an inventory of all materials in Columbia's possession for which ownership is disputed, as required under the Court's order. EIF also disputes that Columbia has returned to it all of its property and reserves the right to contest the ownership of the materials that Columbia has not returned.

However, both Columbia and EIF are in agreement that the parties should seek to find a more practical and efficient matter to finish this process. Columbia and EIF did, and will continue to, meet and confer about a process for narrowing the disputed issues with respect to the inventoried materials and for ultimately bringing any unresolved issues regarding these materials to the Court.

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### **Status of Fact Discovery**

Since the last conference, the parties have been conducting fact discovery, including serving multiple rounds of document requests. All parties have responded to the document requests that they have received. In addition, Columbia and Mr. Daniel have produced more than 33,000 pages of documents. Columbia also has served four third-party subpoenas.

In April 2021, EIF retained new counsel, and the parties have been working together to resolve as many discovery disputes as possible without requiring the Court's intervention. EIF and Columbia have met and conferred by email and in at least nine zoom conferences. Because of these efforts, the parties have substantially narrowed their discovery disputes and have come to agreement on most issues. The parties anticipate raising any discovery issues with the Court in the coming weeks. The parties also are still negotiating a final agreement with respect to search terms and custodians, but the parties believe they will reach agreement shortly and begin the process of reviewing and producing electronic documents.

Due to the large volume of expected document discovery, which will include substantial hard copy and electronic documents, and the large number of anticipated depositions, the parties will jointly propose a new schedule to the Court at the September 8, 2021 conference. The parties have also discussed the other deadlines in the Case Management Order, including the date by which EIF will move, answer or otherwise respond to Columbia's Second Amended Complaint and the date by which EIF will file an amended complaint. The parties will propose a revised Civil Case Management Plan and Scheduling Order to the Court at the September 8, 2021 status conference.

### **Alternative Dispute Resolution**

Paragraph 10 of the case management plan obligated the parties to meet and confer by February 23, 2021, "to discuss settlement, including the possibility of private mediation." The parties complied with the Court's order and had initial conversations about mediation. The parties are currently conferring on this issue and will be prepared to report to the Court on the status of those conversations at the September 8, 2021 conference.

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We thank the Court for its attention to this matter.

Respectfully submitted,

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